



Council Minutes

UNCONFIRMED MINUTES

SPECIAL COUNCIL MEETING

5:45pm, 25 JUNE, 2019

**Council Chambers (Level 1), Civic Centre,
23 Dundobar Road, Wanneroo**

**UNCONFIRMED MINUTES OF SPECIAL COUNCIL MEETING****HELD ON TUESDAY 25 JUNE, 2019****CONTENTS**

<u>ITEM 1</u>	<u>ATTENDANCE</u>	<u>1</u>
<u>ITEM 2</u>	<u>APOLOGIES AND LEAVE OF ABSENCE</u>	<u>2</u>
<u>ITEM 3</u>	<u>PUBLIC QUESTION TIME</u>	<u>2</u>
<u>ITEM 4</u>	<u>REPORTS</u>	<u>2</u>
<u>ITEM 5</u>	<u>CONFIDENTIAL</u>	<u>2</u>
SCR01-06/19	CITY OF WANNEROO V TAH LAND PTY LTD	2
<u>ITEM 6</u>	<u>LATE REPORTS</u>	<u>3</u>
<u>ITEM 7</u>	<u>DATE OF NEXT MEETING</u>	<u>3</u>
<u>ITEM 8</u>	<u>CLOSURE</u>	<u>3</u>

MINUTES

Mayor Roberts declared the meeting open at 5:47pm and reads the prayer.

Good evening Councillors, staff, ladies and gentlemen, we wish to acknowledge the traditional custodians of the land we are meeting on, the Whadjuk people. We would like to pay respect to the Elders of the Nyoongar nation, past and present, who have walked and cared for the land and we acknowledge and respect their continuing culture and the contributions made to the life of this city and this region and I invite you to bow your head in prayer:

Lord, We ask for your blessing upon our City, our community and our Council. Guide us in our decision making to act fairly, without fear or favour and with compassion, integrity and honesty. May we show true leadership, be inclusive of all, and guide the City of Wanneroo to a prosperous future that all may share. We ask this in your name. Amen

Please refer to agenda for details of full reports and attachments.

Item 1 Attendance

TRACEY ROBERTS, JP

Mayor

Councillors:

NATALIE SANGALLI	North Coast Ward
LINDA AITKEN, JP	North Coast Ward
RUSSELL DRIVER	North Coast Ward
LEWIS FLOOD	North Coast Ward
FRANK CVITAN, JP	Central Ward
SAMANTHA FENN	Central Ward
PAUL MILES	Central Ward
DOT NEWTON, JP	Central Ward
HUGH NGUYEN	South Ward
BRETT TREBY	South Ward
DOMENIC ZAPPA	South Ward

Officers:

DANIEL SIMMS	Chief Executive Officer
MARK DICKSON	Director, Planning & Sustainability
HARMINDER SINGH	Director, Assets
DEBBIE TERELINCK	Director, Community & Place
MUSTAFA YILDIZ	Executive Manager Governance & Legal
RACHAEL WRIGHT	A/ Manager Council & Corporate Support
AMY GARUCCIO	Lawyer
SARAH HINGSTON	Minute Officer

Guest Attendee:

MARK GREGORY

Castledine Gregory

Item 2 Apologies and Leave of Absence

SONET COETZEE
DENIS HAYDEN

North Coast Ward
South Ward

There was one member of the public and no press in attendance.

Item 3 Public Question Time

Nil

Item 4 Reports

Declarations of Interest by Elected Members, including the nature and extent of the interest. Declaration of Interest forms to be completed and handed to the Chief Executive Officer.

Item 5 Confidential**SCR01-06/19 City of Wanneroo v Tah Land Pty Ltd**

File Ref:	11575 – 19/228339
Responsible Officer:	Executive Manager Governance and Legal
Disclosure of Interest:	Nil
Attachments:	1
Previous Items:	CR01-09/17 - City of Wanneroo v Tah Land Pty Ltd - Community Purposes Site and Other Matters - Ordinary Council - 19 Sep 2017 7.00pm CR03-11/17 - City of Wanneroo v Tah Land Pty Ltd - Community Purposes Site - Ordinary Council - 14 Nov 2017 7.00pm CR05-03/18 - City of Wanneroo v Tah Land Pty Ltd - Community Purposes Site - Ordinary Council - 27 Mar 2018 7.00pm SCR01-02/19 - City of Wanneroo v Tah Land Pty Ltd - Update - Special Council - 26 Feb 2019 5:30pm

This report is to be dealt with in confidential session, under the terms of the Local Government Act 1995 Section 5.23(2), as follows:

(d) legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting

Moved Cr Treby, Seconded Cr Cvitan

That Council:

- 1. AUTHORISES the Chief Executive Officer (and the Chief Executive Officer's nominee) to negotiate with Tah Land Pty Ltd in accordance with the parameters set out in Attachment 2 during the Supreme Court mandated mediation conference for the current legal proceedings of City of Wanneroo v Tah Land Pty Ltd;**
- 2. APPROVES the 'without prejudice' Settlement Offer to Tah Land Pty Ltd, as set out in this report;**

3. **INSTRUCTS** the Chief Executive Officer (and the Chief Executive Officer's nominee) to present the 'without prejudice' Settlement Offer to Tah Land Pty Ltd, during the mediation conference for the current legal proceedings City of Wanneroo v Tah Land Pty Ltd;
4. Should Tah Land Pty Ltd accept the 'without prejudice' Settlement Offer, **APPROVES** the City entering into a Deed of Settlement which will document the terms of the parties' agreement to settle the current legal proceedings of City of Wanneroo v Tah Land Pty Ltd; and
5. **AUTHORISES** the Chief Executive Officer to execute the Deed of Settlement referred to in 4 above and all documentation necessary to implement the terms of Deed of Settlement in accordance with City's Execution of Documents Policy.

Cr Nguyen entered the meeting at 5:56pm.

CARRIED UNANIMOUSLY

Item 6 Late Reports

Nil

Item 7 Date of Next Meeting

The next Elected Members Briefing Session has been scheduled for 6:00pm on Tuesday, 25 June 2019, to be held in Council Chambers, Civic Centre (Level 1), 23 Dundobar Road, Wanneroo.

Item 8 Closure

There being no further business, Mayor Roberts closed the meeting at 6:15pm.